

### REMARKS

In the August 4, 2003 Office Action, claims 1-4, 7, 8, 11-14, 17, and 18 stand rejected in view of prior art. Claims 5, 6, 9, 10, 15, 16, 19, and 20 were withdrawn from consideration. No other objections or rejections were made in the Office Action.

#### *Status of Claims and Amendments*

In response to the August 4, 2003 Office Action, Applicants have amended claims 1, 3, 4, 7, 8, 11, 13, 14, 17, and 18, cancelled claims 5, 6, 9, 10, 15, 16, 19, and 20, and added claims 21-29 as indicated above. The specification was also amended to corrected grammatical and/or form errors. Thus, claims 1-4, 7, 8, 11-14, 17, 18, and 21-29 are pending, with claims 1 and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### *Election of Species*

In item 3 of the Office Action, Applicants' election without traverse in the response filed June 11, 2003 was acknowledged. Thus, non-elected claims 5, 6, 9, 10, 15, 16, 19, and 20 were withdrawn from further consideration. However, Applicants respectfully request that non-elected claims 5, 6, 9, 10, 15, 16, 19, and 20 be rejoined in this application upon allowance of a generic or linking claim, or claims.

#### *Rejections - 35 U.S.C. § 103*

In items 4 and 5 of the Office Action, claims 1-4, 7, 8, 11-14, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Laid-Open Patent Publication JP11-280784 (Mizukami) in view of U.S. Patent No. 6,128,972 (Cooke et al.). In response, Applicants have amended independent claims 1 and 11.

More specifically, independent claims 1 and 11 now clearly recite an intermediate rotary member and a friction rotary member. The intermediate rotary member is configured to rotate relatively to the first and second or input and output rotary members. The friction rotary member is configured to contact the second or output rotary member and the intermediate rotary member in the rotation direction.

Referring to Figures 4 and 8 of Mizukami, Mizukami discloses an intermediate member 6 and a friction rotary member 11. However, in contrast to the recited arrangement of claims 1 and 11, and best seen in Figure 8 of Mizukami, the friction rotary member 11 does not contact the intermediate rotary member in the rotation direction. Mizukami clearly discloses that the friction rotary member 11 contacts the spring or springs 8.

As seen in Figures 2 and 3 of Cooke et al., Applicants respectfully assert that Cooke et al. disclose a twin mass flywheel that does not have an intermediate member or friction rotary member as recited in amended claims 1 and 11. Applicants respectfully assert that since neither reference discloses the recited arrangement singularly, the combination also fails to disclose the recited arrangement.

Clearly, this arrangement is *not* disclosed or suggested by the Mizukami reference and the Cooke et al. patent or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a damper mechanism.

Moreover, Applicants believe that the dependent claims 2-4, 7-9, 12-14, 17, and 18 are also allowable over the prior art of record in that they depend from independent claims 1 and 11, and therefore are allowable for the reasons stated above. Further, the dependent

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claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims 1 and 11, neither does the prior art anticipate the dependent claims.

***New Claims - 21-29***

Applicants have added new dependent claims 21-29, which ultimately depend from claims 1 and 11. Thus, Applicants believe that the new claims are allowable for the aforementioned reasons. Examination and consideration are respectfully requested.


***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-4, 7, 8, 11-14, 17, 18, and 21-29 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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